

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BARBARA CONTRERAS AND LOUIS
CONTRERAS

Plaintiffs,

v.

GREAT LAKES INSURANCE SE

Defendant.

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CASE NO. 1:20-CV-240

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Defendant GREAT LAKES INSURANCE SE, formerly known as Great Lakes Reinsurance (UK) SE, in a cause styled *Barbara Contreras and Louis Contreras v. Great Lakes Insurance SE* originally pending as Cause No. B190416-C in the 163rd Judicial District Court of Orange County, Texas, hereby respectfully files this Notice of Removal of that cause to the United States District Court for the Eastern District of Texas, Beaumont Division, while fully reserving all rights and defenses, and as grounds therefore would respectfully show the Court as follows:

NATURE OF THE PENDING STATE CASE

1. On or about October 10, 2019, Barbara Contreras and Louis Contreras (“Plaintiffs”) filed a civil action styled *Barbara Contreras and Louis Contreras v. Great Lakes Insurance SE*, under Cause No. B190416-C in the 163rd Judicial District Court of Orange County, Texas. By agreement between counsel, service was perfected upon Great Lakes on May 28, 2020.

2. This case is an insurance dispute wherein Plaintiffs allege in their Original

Petition that their property located at 3125 Zoann, Vidor, Texas, 77662 insured under an insurance policy issued by Defendant, sustained damage during a storm event occurring on or about August 25, 2017 through August 31, 2017. Plaintiff further alleges causes of action for breach of contract, violations of the Texas Insurance Code, violations of the Texas Business Practice and Remedies Code, breach of the duty of good faith and fair dealing, misrepresentation, fraud, and conspiracy.

3. Defendant has attached the documents required to be filed with this Notice of Removal in compliance with Local Rule 81.¹

JURISDICTION

4. Pursuant to 28 U.S.C. §1441(a), Defendant removes this action to the District Court of the United States for the Eastern District of Texas, Beaumont Division, because it is the District and Division embracing the place where such action is pending. Additionally, this Court has diversity jurisdiction, as shown below, because the parties are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

A. Diversity of the Parties

5. Plaintiffs' Complaint states they are residents of Orange County, Texas.² Defendant Great Lakes is a Societas Europea incorporated in Germany and registered with the commercial register of the local court of Munich under number HRB 230278. Defendant's registered office is at Königinstraße 107, 80802 Munich, Germany.

B. Amount in Controversy

¹ Plaintiff's Original Petition, attached hereto as Exhibit "A;" Proof of Service, attached hereto as Exhibit "B;" An Index of Matters Being Filed, attached hereto as Exhibit "C;" Copy of State Court Docket Sheet, attached hereto as Exhibit "C-1;" List of All Counsel of Record, attached hereto as Exhibit "C-2;" and Civil Cover Sheet, attached hereto as Exhibit "C-3."

² See Exhibit "A," at p. 1.

6. Plaintiffs' Complaint states that the amount in controversy exceeds \$200,000.00.³

TIMING OF REMOVAL

7. Defendant's counsel accepted service of the lawsuit on May 28, 2020.⁴ Therefore, this Notice of Removal is being filed within 30 days of service of the petition pursuant to 28 U.S.C. §1446(b), and is filed less than one year after commencement of the action, pursuant to 28 U.S.C. §1446(c). This Notice is therefore timely filed.

NOTICE TO ADVERSE PARTIES AND STATE COURT

8. As the removing party, Defendant will give Plaintiffs prompt written notice of this Notice of Removal pursuant to 28 U.S.C. §1446(d).

9. Defendant will also file a copy of this Notice of Removal with the 163rd Judicial District Court of Orange County, Texas, where the state court action is currently pending, as required by 28 U.S.C. §1446(d).

ANSWER

10. Defendant has not filed any responsive pleadings in the state court action, except the Notice of Removal as required by the Federal Rules of Civil Procedure. Defendant will file an Answer to Plaintiffs' lawsuit in this Honorable Court.

JURY DEMAND

11. Defendant hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

CONCLUSION AND PRAYER

12. In light of the foregoing, Defendant respectfully removes this civil action styled *Barbara Contreras and Louis Contreras v. Great Lakes Insurance SE*, under Cause No.

³ Exhibit "A," at p. 7.

⁴ See Exhibit "B."

B190416-C in the 163rd Judicial District Court of Orange County, Texas.

13. Defendant prays for such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted by,

/s/ Les Pickett
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of June 2020, a copy of the above and foregoing Notice of Removal was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

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Counsel for Plaintiffs

/s/ William D. Abbott
Les Pickett
William D. Abbott